

503 KAR 3:030. Training charges.

RELATES TO: KRS 15.340

STATUTORY AUTHORITY: KRS 15A.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.340 authorizes the Department of Criminal Justice Training to determine whether certain persons to whom it offers training or agencies employing such persons must bear any of all costs of training. This administrative regulation prescribes training charges and identifies those who must pay for training.

Section 1. Definition. As used in this administrative regulation "eligible category" includes:

- (1) City police departments;
- (2) County police departments;
- (3) Urban-county police departments;
- (4) Public airport authority police departments established pursuant to KRS 183.880;
- (5) Department of Kentucky State Police;
- (6) State or public university departments of safety established pursuant to KRS 164.950;
- (7) Local boards of education, limited to school security officers who are special law enforcement officers appointed pursuant to KRS 61.902;
- (8) Sheriffs' departments, except for those deputy sheriffs identified in KRS 70.045 and 70.263(3);
- (9) Constables;
- (10) Coroners;
- (11) Department of Alcoholic Beverage Control, limited to field representatives and investigators appointed pursuant to KRS 241.090;
- (12) Department of Insurance - Division of Insurance Fraud Investigation, limited to insurance fraud investigators appointed pursuant to KRS 304.47-040;
- (13) State agencies that have adopted certification pursuant to KRS 15.380(2), limited to those peace officers for whom the certification requirements of KRS 15.380 to 15.402 have been incorporated into their job specifications;
- (14) Officers who are certified by the Kentucky Law Enforcement Council pursuant to KRS 15.380(4) or (5), and are presently employed in the capacity for which certification was obtained.

Section 2. Basic Training. While participating in a basic training course conducted by the department:

- (1) Persons employed full time as sworn law enforcement officers in an eligible category, shall be eligible to receive free tuition, housing at facilities to be provided by the department, and meals, not to exceed the amounts established in Section 7 of this administrative regulation;
- (2) Persons employed part time in an eligible category, whether sworn or unsworn, shall be eligible to receive free tuition.

Section 3. In-service Training. Persons employed in an eligible category, whether sworn or unsworn, while participating in in-service training courses conducted by the department shall be eligible for free tuition, limited to a maximum of eighty (80) hours during a calendar year. When calculating the maximum number of free training hours to which the person is eligible:

- (1) The hours associated with an in-service training course that is substituted for a failed in-service training course, shall not be included;
- (2) If a person has accumulated fewer than eighty (80) hours of in-service training at the time of registration for an additional in-service training course, and subsequently completes the course, which brings the in-service training total to more than eighty (80) hours, the person shall not be

required to pay fees for the training which exceeds eighty (80) hours.

Section 4. Telecommunications. (1) Persons employed full-time in an eligible category to dispatch law enforcement units by means of radio communications or to operate teleprocessing equipment associated with the law information network of Kentucky (LINK), shall be eligible to receive:

(a) Free tuition, housing at facilities to be provided by the department, and meals, not to exceed the amounts established in Section 7 of this administrative regulation, while participating in the Telecommunications Academy conducted by the department;

(b) Free tuition and housing at facilities to be provided by the department, while participating in the telecommunications basic course, Criminal Justice Information Systems (CJIS) - full access course, or CJIS - inquiry only course, conducted by the department;

(c) Free tuition while participating in other telecommunications courses conducted by the department, limited to a maximum of eighty (80) hours during a calendar year. When calculating the maximum number of free training hours to which the person is eligible:

1. The hours associated with the Telecommunications Academy, telecommunications basic course, CJIS - full access course, or CJIS - inquiry only course shall not be added;

2. The hours associated with a telecommunications course that is substituted for a failed telecommunications course, shall not be added;

3. If a person has accumulated fewer than eighty (80) hours of telecommunications training at the time of registration for an additional telecommunications course, and subsequently completes the course, which brings the telecommunications training total to more than eighty (80), the person shall not be required to pay fees for the training which exceeds eighty (80) hours;

(2) Persons employed part time in an eligible category to dispatch law enforcement units by means of radio communications or to operate teleprocessing equipment associated with the law information network of Kentucky (LINK), shall be eligible to receive free tuition while participating in telecommunications courses conducted by the department, limited to a maximum of eighty (80) hours during a calendar year. The calculation of the maximum number of free training hours to which the person is eligible, shall be made as established in this administrative regulation in subsection (1)(c)1 through 3 of this section.

Section 5. Fees in Reciprocation. If an agency or person has provided training services to the department, the commissioner may waive some or all fees for training provided by the department, when requested by the agency or person. The commissioner shall advise in writing, prior to the start date of the requested training, of the specific training which shall be provided and the fees which shall be waived. The waiver of fees shall be limited to the terms as described in writing by the commissioner.

Section 6. Payment of Fees Required. (1) A person who is not eligible for free fees as determined in Sections 2 through 5 of this administrative regulation, shall be required to pay all applicable fees as established in Section 7 of this administrative regulation.

(2) A person who repeats a training course conducted by the department, within three (3) years from the start date of the original course, whether the first course was passed or failed, shall be required to pay all applicable fees as established in Section 7 of this administrative regulation for the repeated course. A training course that is substituted for a failed training course shall be considered retraining, for which all applicable fees must be paid.

(3) If a person participates in a training course, for which it is determined prior to participation that fees are required, but fails the course, full fees are due.

(4) If a person participates in a training course, for which it is determined prior to participation

that fees are required, but withdraws from training for reasons other than those which constitute extenuating circumstances as defined in 503 KAR 1:110 or 503 KAR 5:090, training fees shall be assessed based upon that training which was received. If payment has been received by the department, the person, or the agency responsible for the payment of training fees, shall be reimbursed the amount in excess of the actual training fees which were incurred.

(5) If a person participates in a training course, for which he is eligible for free fees, but withdraws from training for reasons other than those which constitute extenuating circumstances as defined in 503 KAR 1:110 or 503 KAR 5:090, full fees shall be required for that portion of training received prior to the withdrawal if the person repeats the training course within three (3) years from the start date of the original course. But for the provisions of this subsection, if the person would otherwise not be eligible for free fees when repeating the course, full fees shall be due for the entire course.

(6) Fees may be required as a result of a disciplinary suspension or expulsion, pursuant to 503 KAR 3:010, which are made part of the commissioner's final order.

Section 7. Fees. (1) Tuition per person shall be:

(a) \$600 per week.

(b) \$120 per day for training of less than one (1) week.

(c) \$120 for training which involves more than four (4) hours but less than eight (8) hours.

(d) Sixty (60) dollars for training which involves less than four (4) hours.

(2) Housing charges per person, for accommodations provided by the department, shall be:

(a) Seventy-five (75) dollars per five (5) day training week, which shall include Sunday night through Thursday night; or

(b) Fifteen (15) dollars per day.

(3) Meals.

(a) A person shall be allotted eighty-five (85) dollars per week for meals. Each person shall be provided a meal card which may be used no earlier than the evening meal on Sunday, but no later than the lunch meal on Friday. Use of the meal card shall be limited to those food service providers approved and designated by the department.

(b) A person provided with a meal card shall not be restricted to a specific amount per meal. Purchases in excess of eighty-five (85) dollars per week, or those incurred at a food service provider which is not approved and designated by the department, shall be paid by the person.

(4) Supplemental charges may be imposed for supplies and materials which have been furnished by the department, including ammunition provided by the department in a firearms training course.

Section 8. Procedures. (1) When a person shall be required to pay fees for training, the person or their authorized agency head who shall be responsible for payment of fees, shall enter into a written agreement particularly describing the required charges, by executing DOCJT Form 60, prior to the start date of the course. If DOCJT Form 60 is not received by the department prior to the start date of the course, the person shall be ineligible to participate in the course.

(2) Payment of required fees for training shall be made prior to the start date of the course. If payment is not received by the department prior to the start date of the course, the person shall be ineligible to participate in the course.

(3) Payments shall be made by a check of the employing agency, or cashier's check of the person, payable to the Kentucky State Treasurer.

(4) Payment arrangements.

(a) When fees are required for training, an employing agency may request that they be allowed to satisfy the payment obligation through a schedule of payments. Prior to the start date of the re-

requested training, the agency shall submit to the department:

1. A list of each officer within the agency, and their required training for the current and preceding year;
2. The actual approved budget of the governmental unit for the current and the preceding year;
3. The actual revenue receipts of the governmental unit for the current and the preceding year;
4. A detailed explanation of why the governmental unit requires a payment arrangement to meet the costs of the training, including the reason that sufficient funding was not budgeted; and
5. A proposed schedule of payments.

(b) The commissioner shall notify the agency in writing, prior to the start date of the course, as to whether the agency's request has been approved, and if so, the specific terms of the schedule of payments.

(c) If the agency fails to abide by the terms as established by the commissioner, the person who is receiving training may be removed from training. Additionally, the agency may be denied future requests for payment arrangements.

Section 9. Incorporation by Reference. (1) Department of Criminal Justice Training Form 60 - Contract for Training Fees, Revised 5/15/00.

(2) This material may be inspected, copied, or obtained at the Department of Criminal Justice Training, Funderburk Building, Eastern Kentucky University, 521 Lancaster Road, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m. (16 Ky.R. 2085; eff. 5-13-90; Am. 27 Ky.R. 223; eff. 9-11-2000.)